

FY 2006 Supplemental Appropriations Act Senate File 2273

FINAL ACTION

March 29, 2006

An Act relating to financial and regulatory matters by making and revising appropriations for the fiscal year beginning July 1, 2005, and providing an effective date.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2273
FY 2006 SUPPLEMENTAL APPROPRIATIONS ACT**

FUNDING SUMMARY

GILCHRIST HALL

**MENTAL HEALTH INSTITUTE AT
CLARINDA
DEPARTMENT OF CORRECTIONS**

STATE PUBLIC DEFENDER

DEPARTMENT OF PUBLIC SAFETY

PERFORMANCE OF DUTY

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

**EFFECTIVE DATE
ENACTMENT DATE**

- Appropriates \$10.8 million and 29.0 FTE positions from the General Fund and \$2.0 million from the Rebuild Iowa Infrastructure Fund (RIIF) as supplemental appropriations for FY 2006.
- Appropriates \$2.0 million from the RIIF to the State Board of Regents for the repair and restoration of fire damage to Gilchrist Hall at the University of Northern Iowa. (Page 1, Line 3)
- Appropriates \$250,000 from the General Fund for FY 2006 supplemental for staffing and prescription drug costs at the Clarinda Mental Health Institute. (Page 1, Line 22)
- Appropriates \$3.3 million from the General Fund for FY 2006 supplemental for the following Department of Corrections Facilities:
 - \$1.3 million for the Fort Madison Correctional Facility for security tower staffing. (Page 2, Line 9)
 - \$1.2 million for natural gas costs at the nine prisons. (Page 2, Line 9 through Page 3, Line 27)
 - \$125,000 for reimbursement of expenses for the temporary confinement of work release and parole violators to counties. (Page 3, Line 28)
 - \$625,000 for the administrative costs of the Department of Corrections. (Page 4, Line 6)
- Appropriates \$4.0 million from the General Fund for the State Public Defender for additional costs incurred in FY 2006 for indigent defense claims. (Page 4, Line 13)
- Appropriates \$1.4 million from the General Fund to the Department of Public Safety. This includes:
 - \$400,000 for billings from the Department of Administrative Services. (Page 4, Line 23)
 - \$1.0 million and 29.0 FTE positions for additional gaming enforcement officers. (Page 4, Line 29)
- Permits the Executive Council to approve emergency repairs to State property to address health or safety issues, through June 30, 2008. The water main loop at the Fort Dodge Correctional Facility is being repaired at an estimated cost of \$1.9 million. (Page 5, Line 7)
- Permits the Executive Council to expend funds for repairs to State property on an emergency basis. This authority is repealed effective June 30, 2008. (Page 5, Line 7)
- Extends the deadline for project completion for an entity that has been awarded a tax credit for a wind energy conversion facility. (Page 6, Line 1)
- Specifies that this Act takes effect on enactment. (Page 6, Line 15)
- This Act was approved by the General Assembly on March 13, 2006, and signed by the Governor on March 29, 2006.

Senate File 2273 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	12	1	Nwthstnd	Sec. 8.33	Nonreversion of Board of Regents FY 2006 Supplemental Appropriation
1	22	2	Amends	Sec. 21.2, Chapter 175, 2005 Iowa Acts	Mental Health Institute at Clarinda FY 2006 Supplemental Appropriation
2	9	3	Amends	Sec. 4.1(a), Chapter 174, 2005 Iowa Acts	Iowa State Penitentiary at Fort Madison FY 2006 Supplemental Appropriation
2	14	3	Amends	Sec. 4.1(b), Chapter 174, 2005 Iowa Acts	Anamosa State Penitentiary FY 2006 Supplemental Appropriation
2	23	3	Amends	Sec. 4.1(c), Chapter 174, 2005 Iowa Acts	Iowa Medical Classification at Oakdale FY 2006 Supplemental Appropriation
2	28	3	Amends	Section 4.1(d), Chapter 174, 2005 Iowa Acts	Newton Correctional Facility FY 2006 Supplemental Appropriation
2	33	3	Amends	Section 4.1(e), Chapter 174, 2005 Iowa Acts	Mount Pleasant Correctional Facility FY 2006 Supplemental Appropriation
3	3	3	Amends	Sec. 4.1(f), Chapter 174, 2005 Iowa Acts	North Central Correctional Facility at Rockwell City FY 2006 Supplemental Appropriation
3	8	3	Amends	Sec. 4.1(g), Chapter 174, 2005 Iowa Acts	Clarinda Correctional Facility FY 2006 Supplemental Appropriation
3	18	3	Amends	Sec. 4.1(h), Chapter 174, 2005 Iowa Acts	Iowa Correctional Institution for Women at Mitchellville FY 2006 Supplemental Appropriation
3	23	3	Amends	Sec. 4.1(i), Chapter 174, 2005 Iowa Acts	Fort Dodge Correctional Facility FY 2006 Supplemental Appropriation
3	28	3	Amends	Sec. 4.1(j), Chapter 174, 2005 Iowa Acts	County Confinement Account FY 2006 Supplemental Appropriation
4	6	4	Amends	Sec. 5.1(a), Chapter 174, 2005 Iowa Acts	Corrections Central Office FY 2006 Supplemental Appropriation
4	13	5	Amends	Sec. 10.2, Chapter 174, 2005 Iowa Acts	Office of the State Public Defender Indigent Defense FY 2006 Supplemental Appropriation

Page #	Line #	Bill Section	Action	Code Section	Description
4	21	6	Amends	Sec. 14.1, Chapter 174, 2005 Iowa Acts	Department of Public Safety Administrative Services Division FY 2006 Supplemental Appropriation
4	29	6	Amends	Sec. 14(2), Chapter 174, 2005 Iowa Acts	Department of Public Safety, Division of Criminal Investigation FY 2006 Supplemental Appropriation
5	7	7	Amends	Sec. 7D.29, Code of Iowa	Performance of Duty - Emergency Repairs
6	1	8	Amends	Sec. 476C.3.3, Code Supplement 2005	Wind Energy Tax Credit

1 1 DIVISION I
1 2 EDUCATION

1 3 Section 1. STATE BOARD OF REGENTS -- UNIVERSITY OF
1 4 NORTHERN IOWA'S GILCHRIST HALL. There is appropriated from
1 5 the rebuild Iowa infrastructure fund to the state board of
1 6 regents for the fiscal year beginning July 1, 2005, and ending
1 7 June 30, 2006, the following amount, or so much thereof as is
1 8 necessary, to be used for the purpose designated:
1 9 For repair and restoration of Gilchrist hall at the
1 10 university of northern Iowa:
1 11 \$ 2,000,000

Rebuild Iowa Infrastructure Fund FY 2006 supplemental appropriation to the Board of Regents for the University of Northern Iowa's Gilchrist Hall.

DETAIL: This is an increase of \$2,000,000 to pay the deductible portion of an insurance claim for a fire at Gilchrist Hall.

1 12 Notwithstanding section 8.33, moneys appropriated in this
1 13 section that remain unencumbered or unobligated at the close
1 14 of the fiscal year shall revert at the close of the fiscal
1 15 year beginning July 1, 2007. However, if the projects for
1 16 which the moneys are appropriated are completed in an earlier
1 17 fiscal year, unencumbered or unobligated moneys shall revert
1 18 at the close of that fiscal year.

CODE: Requires the FY 2006 supplemental appropriation to revert at the end of FY 2007.

1 19 DIVISION II
1 20 HEALTH AND HUMAN SERVICES
1 21 MENTAL HEALTH INSTITUTE AT CLARINDA

1 22 Sec. 2. 2005 Iowa Acts, chapter 175, section 21,
1 23 subsection 2, is amended to read as follows:
1 24 2. For the state mental health institute at Clarinda for
1 25 salaries, support, maintenance, and miscellaneous purposes,
1 26 and for not more than the following full-time equivalent
1 27 positions:
1 28 \$ ~~7,439,591~~
1 29 7,689,591
1 30 FTEs 113.15

CODE: General Fund FY 2006 supplemental appropriation to the Department of Human Services for the Mental Health Institute at Clarinda.

DETAIL: This is an increase of \$250,000 for standards required by the federal Centers for Medicare and Medicaid Services (CMS).

1 31 DIVISION III
 1 32 JUSTICE SYSTEM
 1 33 DEPARTMENT OF CORRECTIONS -- FACILITIES

1 34 Sec. 3. 2005 Iowa Acts, chapter 174, section 4, subsection
 1 35 1, is amended to read as follows:

2 1 1. There is appropriated from the general fund of the
 2 2 state to the department of corrections for the fiscal year
 2 3 beginning July 1, 2005, and ending June 30, 2006, the
 2 4 following amounts, or so much thereof as is necessary, to be
 2 5 used for the purposes designated:
 2 6 For the operation of adult correctional institutions,
 2 7 reimbursement of counties for certain confinement costs, and
 2 8 federal prison reimbursement, to be allocated as follows:

2 9 a. For the operation of the Fort Madison correctional
 2 10 facility, including salaries, support, maintenance, and
 2 11 miscellaneous purposes:

2 12 \$ ~~38,840,761~~
 2 13 40,398,034

CODE: General Fund FY 2006 supplemental appropriation to the Department of Corrections (DOC) for the Iowa State Penitentiary at Fort Madison.

DETAIL: This is an increase of \$1,557,273 and includes:

- An increase of \$224,248 for the increased costs of natural gas.
- An increase of \$1,333,025 to staff the security towers and offset the operating deficit due to the prisoner escapes in November 2005.

2 14 b. For the operation of the Anamosa correctional facility,
 2 15 including salaries, support, maintenance, and miscellaneous
 2 16 purposes:

2 17 \$ ~~27,199,702~~
 2 18 27,345,641

CODE: General Fund FY 2006 supplemental appropriation to the DOC for the Anamosa State Penitentiary.

DETAIL: This is an increase of \$145,939 for the increased cost of natural gas.

2 19 Moneys are provided within this appropriation for one full-
 2 20 time substance abuse counselor for the Luster Heights

Maintains current law.

2 21 facility, for the purpose of certification of a substance
 2 22 abuse program at that facility.

2 23 c. For the operation of the Oakdale correctional facility,
 2 24 including salaries, support, maintenance, and miscellaneous
 2 25 purposes:
 2 26 \$ ~~25,650,778~~
 2 27 25,856,042

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Iowa Medical Classification Center at Oakdale.

DETAIL: This is an increase of \$205,264 for the increased cost of
 natural gas.

2 28 d. For the operation of the Newton correctional facility,
 2 29 including salaries, support, maintenance, and miscellaneous
 2 30 purposes:
 2 31 \$ ~~24,916,132~~
 2 32 25,085,801

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Newton Correctional Facility.

DETAIL: This is an increase of \$169,669 for the increased cost of
 natural gas.

2 33 e. For the operation of the Mt. Pleasant correctional
 2 34 facility, including salaries, support, maintenance, and
 2 35 miscellaneous purposes:
 3 1 \$ ~~23,694,840~~
 3 2 23,779,085

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is an increase of \$84,245 for the increased cost of
 natural gas.

3 3 f. For the operation of the Rockwell City correctional
 3 4 facility, including salaries, support, maintenance, and
 3 5 miscellaneous purposes:
 3 6 \$ ~~8,039,378~~
 3 7 8,088,024

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the North Central Correctional Facility at Rockwell City.

DETAIL: This is an increase of \$48,646 for the increased cost of
 natural gas.

3 8 g. For the operation of the Clarinda correctional
 3 9 facility, including salaries, support, maintenance, and
 3 10 miscellaneous purposes:
 3 11 \$ ~~22,853,497~~
 3 12 22,970,960

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Clarinda Correctional Facility.

DETAIL: This is an increase of \$117,463 for the increased cost of
 natural gas.

3 13 Moneys received by the department of corrections as

Maintains current law.

3 14 reimbursement for services provided to the Clarinda youth
 3 15 corporation are appropriated to the department and shall be
 3 16 used for the purpose of operating the Clarinda correctional
 3 17 facility.

3 18 h. For the operation of the Mitchellville correctional
 3 19 facility, including salaries, support, maintenance, and
 3 20 miscellaneous purposes:

3 21 \$ ~~13,867,603~~
 3 22 13,935,233

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Iowa Correctional Institution for Women at Mitchellville.

DETAIL: This is an increase of \$67,630 for the increased cost of
 natural gas.

3 23 i. For the operation of the Fort Dodge correctional
 3 24 facility, including salaries, support, maintenance, and
 3 25 miscellaneous purposes:

3 26 \$ ~~26,244,693~~
 3 27 26,368,089

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the Fort Dodge Correctional Facility.

DETAIL: This is an increase of \$123,396 for the increased cost of
 natural gas.

3 28 j. For reimbursement of counties for temporary confinement
 3 29 of work release and parole violators, as provided in sections
 3 30 901.7, 904.908, and 906.17 and for offenders confined pursuant
 3 31 to section 904.513:

3 32 \$ ~~674,954~~
 3 33 799,954

CODE: General Fund FY 2006 supplemental appropriation to the
 DOC for the County Confinement Account.

DETAIL: This is an increase of \$125,000 for the increased costs of
 reimbursing counties for holding alleged parole violators.

3 34 k. For federal prison reimbursement, reimbursements for
 3 35 out-of-state placements, and miscellaneous contracts:

4 1 \$ 241,293

Maintains current law.

4 2 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION
 4 3 Sec. 4. 2005 Iowa Acts, chapter 174, section 5, subsection
 4 4 1, paragraph a, unnumbered paragraph 1, is amended to read as
 4 5 follows:

4 6 For general administration, including salaries, support,

CODE: General Fund FY 2006 supplemental appropriation to the

4 7 maintenance, employment of an education director to administer
 4 8 a centralized education program for the correctional system,
 4 9 and miscellaneous purposes:
 4 10 \$ ~~2,829,708~~
 4 11 3,454,708

DOC for the Central Office.

DETAIL: This is an increase of \$625,000 for salaries.

4 12 STATE PUBLIC DEFENDER

4 13 Sec. 5. 2005 Iowa Acts, chapter 174, section 10,
 4 14 subsection 2, is amended to read as follows:
 4 15 2. For the fees of court-appointed attorneys for indigent
 4 16 adults and juveniles, in accordance with section 232.141 and
 4 17 chapter 815:
 4 18 \$ ~~21,163,082~~
 4 19 25,163,082

CODE: General Fund FY 2006 supplemental appropriation to the
 Office of the State Public Defender within the Department of
 Inspections and Appeals.

DETAIL: This is an increase of \$4,000,000 for indigent defense
 claims.

4 20 DEPARTMENT OF PUBLIC SAFETY

4 21 Sec. 6. 2005 Iowa Acts, chapter 174, section 14,
 4 22 subsections 1 and 2, are amended to read as follows:
 4 23 1. For the department's administrative functions,
 4 24 including the criminal justice information system, and for not
 4 25 more than the following full-time equivalent positions:
 4 26 \$ ~~3,073,274~~
 4 27 3,473,274
 4 28 FTEs 38.00

CODE: General Fund FY 2006 supplemental appropriation to the
 Department of Public Safety (DPS) for the Administrative Services
 Division.

DETAIL: This is an increase of \$400,000 for increased Department of
 Administrative Services' billings.

4 29 2. For the division of criminal investigation and bureau
 4 30 of identification, including the state's contribution to the
 4 31 peace officers' retirement, accident, and disability system
 4 32 provided in chapter 97A in the amount of 17 percent of the
 4 33 salaries for which the funds are appropriated, to meet federal
 4 34 fund matching requirements, and for not more than the
 4 35 following full-time equivalent positions:

CODE: General Fund FY 2006 supplemental appropriation to the
 Department of Public Safety (DPS) for the Division of Criminal
 Investigation.

DETAIL: This is an increase of \$1,000,000 and 29.00 FTE positions
 for additional gaming enforcement officers relating to gaming
 expansion language from the 2005 Legislative Session. The increase
 will be offset by increased gaming revenue deposited in the General

PG LN

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Explanation

5 1 \$ 14,760,898
 5 2 15,760,898
 5 3 FTEs 228.50
 5 4 257.50

Fund.

5 5 DIVISION IV
 5 6 MISCELLANEOUS

5 7 Sec. 7. Section 7D.29, Code 2005, is amended to read as
 5 8 follows:

5 9 7D.29 PERFORMANCE OF DUTY -- EXPENSE.

5 10 1. The executive council shall not employ others, or incur
 5 11 any expense, for the purpose of performing any duty imposed
 5 12 upon the council when the duty may, without neglect of their
 5 13 usual duties, be performed by the members, or by their regular
 5 14 employees, but, subject to this limitation, the council may
 5 15 incur the necessary expense to perform or cause to be
 5 16 performed any legal duty imposed on the council, and pay the
 5 17 same out of any money in the state treasury not otherwise
 5 18 appropriated.

5 19 2. At least two weeks prior to the executive council's
 5 20 approval of a payment authorization under this section, the
 5 21 secretary of the executive council shall notify the
 5 22 legislative services agency that the authorization request
 5 23 will be considered by the executive council and shall provide
 5 24 background information justifying the request.

5 25 3. The duties of the executive council under subsection 1
 5 26 shall include but are not limited to the authority provided by
 5 27 this subsection. If repairs to state property are necessary
 5 28 on an emergency basis in order to address health or safety
 5 29 considerations and if sufficient funds for making the repairs
 5 30 have not been appropriated to the state department responsible
 5 31 for the state property or are not otherwise available for such
 5 32 purposes within the budget of the state department, the
 5 33 executive council may authorize payment for the expenses
 5 34 needed by the state department for repairing the state

CODE: Permits the Executive Council to approve emergency repairs to State property to address health or safety issues. This Subsection is repealed June 30, 2008.

DETAIL: This Subsection applies to emergency repairs of any State property if sufficient funds are not available in the affected Department's budget. For example, as of May 2006, the water main loop at the Fort Dodge Correctional Facility is being repaired. The cost estimate is approximately \$1.9 million.

5 35 property. This subsection is repealed June 30, 2008.

6 1 Sec. 8. Section 476C.3, subsection 3, Code Supplement
6 2 2005, is amended to read as follows:
6 3 3. A facility that is not operational within eighteen
6 4 months after issuance of an approval for the facility by the
6 5 board shall cease to be an eligible renewable energy facility.
6 6 However, a wind energy conversion facility that is approved as
6 7 eligible under this section but is not operational within
6 8 eighteen months due to the unavailability of necessary
6 9 equipment shall be granted an additional twelve months to
6 10 become operational. A facility that is granted and thereafter
6 11 loses approval may reapply to the board for a new
6 12 determination.

CODE: Extends the deadline for project completion for an entity that has been awarded a tax credit for a wind energy conversion facility.

6 13 DIVISION V
6 14 EFFECTIVE DATE

6 15 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
6 16 immediate importance, takes effect upon enactment.

Specifies that this Act takes effect on enactment.

6 17 SF 2273
6 18 jp:mg/cc/26

Summary Data

General Fund

S.F. 2273	Estimated	Final	Estimated Net
	FY 2006	Action	FY 2006
	(1)	(2)	(3)
Health and Human Services	\$ 5,669,983	\$ 250,000	\$ 5,919,983
Justice System	\$ 262,983,051	\$ 8,669,525	\$ 271,652,576
Unassigned Standing	\$ 0	\$ 1,900,000	\$ 1,900,000
Grand Total	\$ 268,653,034	\$ 10,819,525	\$ 279,472,559

Health and Human Services

General Fund

S.F. 2273	Estimated	Final	Estimated Net	Page & Line
	FY 2006	Action	FY 2006	Number
	(1)	(2)	(3)	(4)
<u>Human Services, Department of</u> Clarinda MHI	\$ 5,669,983	\$ 250,000	\$ 5,919,983	PG 1 LN 22

Justice System

General Fund

S.F. 2273	Estimated FY 2006 (1)	Final Action (2)	Estimated Net FY 2006 (3)	Page & Line Number (4)
<u>Corrections, Department of</u>				
Corrections Institutions				
Ft. Madison Inst.	\$ 40,489,555	\$ 1,557,273	\$ 42,046,828	PG 2 LN 9
Anamosa Inst.	28,317,716	145,939	28,463,655	PG 2 LN 14
Oakdale Inst.	26,155,941	205,264	26,361,205	PG 2 LN 23
Newton Inst.	25,875,721	169,669	26,045,390	PG 2 LN 28
Mt Pleasant Inst.	24,499,564	84,245	24,583,809	PG 2 LN 33
Rockwell City Inst.	8,426,532	48,646	8,475,178	PG 3 LN 3
Clarinda Inst.	23,988,327	117,463	24,105,790	PG 3 LN 8
Mitchellville Inst.	14,478,140	67,630	14,545,770	PG 3 LN 18
Ft. Dodge Inst.	27,520,531	123,396	27,643,927	PG 3 LN 23
Total Corrections Institutions	219,752,027	2,519,525	222,271,552	
Corrections Central Office				
County Confinement	674,954	125,000	799,954	PG 3 LN 28
Central Office Corrections	2,939,637	625,000	3,564,637	PG 4 LN 6
Total Corrections Central Office	3,614,591	750,000	4,364,591	
Total Corrections, Department of	\$ 223,366,618	\$ 3,269,525	\$ 226,636,143	
<u>Inspections & Appeals, Dept of</u>				
Indigent Defense Appropriation	\$ 21,163,082	\$ 4,000,000	\$ 25,163,082	PG 4 LN 13
<u>Public Safety, Department of</u>				
Public Safety Administration	\$ 3,191,874	\$ 400,000	\$ 3,591,874	PG 4 LN 21
Investigation, DCI	15,261,477	1,000,000	16,261,477	PG 4 LN 29
Total Public Safety, Department of	\$ 18,453,351	\$ 1,400,000	\$ 19,853,351	
Total Justice System	\$ 262,983,051	\$ 8,669,525	\$ 271,652,576	

Unassigned Standing

General Fund

S.F. 2273	Estimated	Final	Estimated Net	Page & Line
	FY 2006	Action	FY 2006	Number
	(1)	(2)	(3)	(4)
<u>Executive Council</u>				
Perf. of Duty Supplemental	\$ 0	\$ 1,900,000	\$ 1,900,000	PG 5 LN 7

Summary Data

Non General Fund

S.F. 2273	Estimated	Final	Estimated Net
	FY 2006	Action	FY 2006
	(1)	(2)	(3)
Trans., Infra., and Capitals	\$ 0	\$ 2,000,000	\$ 2,000,000

Trans., Infra., and Capitals

Non General Fund

S.F. 2273	Estimated	Final	Estimated Net	Page & Line
	FY 2006	Action	FY 2006	Number
	(1)	(2)	(3)	(4)
<u>Regents Capital</u>				
UNI-Gilchrist Hall Repairs	\$ 0	\$ 2,000,000	\$ 2,000,000	PG 1 LN 3

Summary Data

FTE

S.F. 2273	Estimated	Final	Estimated Net	Page & Line
	FY 2006	Action	FY 2006	Number
	(1)	(2)	(3)	(4)
Justice System	230.50	29.00	259.50	

Justice System

FTE

S.F. 2273

Public Safety, Department of
Investigation, DCI

Estimated FY 2006	Final Action	Estimated Net FY 2006	Page & Line Number
(1)	(2)	(3)	(4)
230.50	29.00	259.50	PG 4 LN 29